

Chapter 112, page 219, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 24, A bill to be entitled "An Act to compel telephone and telegraph companies to make connections with other telephone and telegraph lines doing a like business,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act to authorize the district courts to employ a stenographer, to provide compensation therefor and to repeal Chapter 112, page 209, General Laws of the Twenty-ninth Legislature, passed at its Regular Session, and with an emergency clause,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, April 22, 1907.

Senate met pursuant to adjournment. Lieutenant Governor Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Green.
Barrett.	Greer.
Brachfield.	Grinnan.
Chambers.	Harbison.
Cunningham.	Harper.
Glasscock.	Holsey.

Hudspeth.	Senter.
Kellie.	Skinner.
Looney.	Smith.
Mayfield.	Stokes.
Meachum.	Stone.
Murray.	Terrell.
Paulus.	Willacy.

Absent.

Faust.	Veale.
Griggs.	Watson.
Masterson.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone, the same was dispensed with.

(See Appendix for committee reports.)

OATH OF OFFICE ADMINISTERED.

The Chair here administered the oath of office to Assistant Sergeant-at-Arms D. F. Hughes, who had been previously elected, and who was absent at the time the oath was given the other officers.

EXCUSED.

On motion of Senator Mayfield, Senator Griggs was excused from attendance upon the Senate for today, tomorrow, Wednesday and Thursday on account of important business.

On motion of Senator Hudspeth, Senator Terrell was excused from attendance upon the Senate for all of last week on account of important business.

BILLS AND RESOLUTIONS.

By Senator Senter:

Senate bill No. 32, A bill to be entitled "An Act to authorize appeals from final judgments of the district and county courts solely upon questions of law, and to provide for the procedure therein."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 33, A bill to be entitled "An Act to provide for the appointment of a court referee in certain counties of the State; to prescribe his duties and authority; to provide for the reference of causes pending in court to him, and for the taking by him of the depositions of witnesses in pending cases; to prescribe the fees to be charged for such services by the referee and the salary to be paid him, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 34, A bill to be entitled "An Act to amend Article 1416, Chapter 19, Title XXX of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 35, A bill to be entitled "An Act to amend Article 941, Chapter 3, Title XXVII of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 36, A bill to be entitled "An Act to regulate the preparation and form of briefs filed in causes which may be appealed from the judgment of county and district courts."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Senter:

Senate bill No. 37, A bill to be entitled "An Act to amend Article 1018, Chapter 16, Title XXVII, of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hudspeth:

Senate bill No. 38, A bill to be entitled "An Act to amend article 770, Title VIII, of the Code of Criminal Procedure, in relation to a witness testifying as a witness in his own behalf."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 39, A bill to be entitled "An Act to prevent any person from communicating with jurors and prescribing a penalty, with emergency clause."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Stone:

Senate bill No. 40, A bill to be entitled "An Act to amend Section 3 of Chapter 128 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, entitled 'An Act to provide for recording notices lis pendens and levies, to define the effect of such notice and to repeal all laws in conflict therewith,' and to declare an emergency."

The following bills were offered at the afternoon session by unanimous con-

sent, and which was after the message from the Governor was received:

By Senators Skinner, Looney, Wil-lacy, Green and Meachum:

Senate bill No. 41, A bill to be entitled "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named with reference thereto; making appropriation therefor; defining certain misdemeanors; providing for bonds for the faithful performance of contracts made hereunder; defining liquidated damages in cases of fraud and collusion; authorizing the Attorney General of the State to bring suit therefor, and for the enforcement of contracts hereunder; providing penalties for the violation of the provisions of this act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Murray:

Senate bill No. 42, A bill to be entitled "An Act to amend Sections 5 and 6 of Chapter 103, passed by the Regular Session of the Twenty-ninth Legislature and approved April 15, 1905, relating to the sale and lease of the land belonging to the public free school and asylum funds, and to add thereto Sections 6a, 6b, 6c, 6d, 6e, 6f and 6g, relating to the sale, settlement and residence on land, sales without residence, sale of timber, sales for cash or on time, transfers, forfeitures, reservation of minerals, guayule, lechuguilla and sotol, and providing a penalty for cutting or removing such substances from the land, certificates of occupancy to become muniments of title, authorizing the Commissioner to adopt rules and regulations necessary to execute the provisions of this act, repealing all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on Public Land and Land Office.

SIMPLE RESOLUTION.

By Senator Alexander:

Resolved, That the following remarks of Alonzo Steel, one of the survivors of the battle of San Jacinto, be printed in the Journal as a token of high appreciation of this Senate toward this heroic survivor, and in order to permanently preserve his statements.

The resolution was read and adopted, and following are the statements desired to be published:

Alonzo Steel, one of the two sur-

vivors of the battle of San Jacinto was invited to address the Senate. Mr. Steel was ninety years old April 9th. He was shot through the breast during the progress of the battle. His voice was feeble and he told something of the battle in response to questions from the Senators.

"I joined Sam Houston's army in 1836," he said. "I was in Sherman's regiment at the extreme left. We had to go into the timber to rout the Mexicans. We went to within sixty or seventy yards of them before any one fired. Then we fired two volleys, and the Mexicans ran. It was during this fight that I was shot down. I think there was about five hundred Mexicans captured. Nearly every one took home a Mexican and made a servant of him. I never saw Santa Anna. I heard that many of the Mexicans jumped in the bayou to escape."

Mr. Steele was asked if he saw much of Sam Houston during the battle. He replied that he saw him, and that he was in the thick of the fight.

"There was not much generalship after the battle began, it was everybody for himself. Every one was his own commander. Houston was a brave man. I don't think there is any doubt about it. It has been said he was forced into the battle. That is not so. General Houston ordered Deaf Smith to burn the bridge in order to keep the Mexicans from escaping. If the bridge had not been burned Santa Anna would not have been captured. There were about 750 of our men in the fight. They began firing on us when we were two hundred or three hundred yards from them. We reserved our fire until we got up close. Three or four of our men were killed in the battle. The battle cry of that battle was 'Goliad' and 'Alamo.' The battle began about 2 o'clock on the afternoon of April 21, 1836. I had an old flint and steel rifle I bought at Washington, Texas. I never was in any other engagement."

Mr. Steel came from Hardin county, Kentucky. The only other survivor is Mr. Sparks of Rockport.

Morning call concluded.

SENATE BILL NO. 17.

The Chair laid before the Senate, on second reading,

Senate bill No. 17, A bill to be entitled "An Act to amend Article 745, Title VIII, Chapter 6, Code of Criminal Procedure of the State of Texas, relating to verdicts of juries in misdemeanor cases in the district court."

Senator Alexander moved that the

pending order of business (Senate bill No. 17) be suspended, and the Senate take up, out of its order, Senate bill No. 25.

The motion was lost by the following vote:

Yeas—9.

Alexander.	Mayfield.
Glasscock.	Meachum.
Green.	Hudspeth.
Grinnan.	Willacy.
Holsey.	

Nays—12.

Barrett.	Kellie.
Chambers.	Looney.
Cunningham.	Paulus.
Greer.	Senter.
Harbison.	Smith.
Harper.	Stone.

Present—Not Voting

Murray.

Absent.

Brachfield.	Stokes.
Faust.	Terrell.
Masterson.	Veale.
Skinner.	Watson.

Absent—Excused.

Griggs.

Action recurred on Senate bill No. 17, the question being on the committee report, which provided that the bill be printed in the Journal.

The committee report was adopted.

Senator Chambers offered the following amendment:

Amend the bill by striking out the enacting clause.

The amendment was laid on the table subject to call.

Senator Alexander offered the following amendment:

Amend the bill by striking out the words "such cases" between the word "in" and the word "they" and inserting the words "any misdemeanor case in the district court, or in any such case where a misdemeanor verdict shall be rendered by the jury in the district court."

Senator Chambers moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—12.

Barrett.	Kellie.
Chambers.	Murray.
Cunningham.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hudspeth.	Willacy.

Nays—12.

Alexander.	Looney.
Brachfield.	Mayfield.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Smith.

Absent.

Faust.	Meachum.
Holsey.	Veale.
Masterson.	Watson.

Absent—Excused.

Griggs.

The vote being a tie, Lieutenant Governor Davidson voted "yea," which adopted the motion to table.

Senator Glasscock offered the following amendment:

Amend by striking out Section 1 of the bill and insert in lieu thereof the following:

"Section 1. In all cases in the district court where a judgment for a misdemeanor can be rendered under the law, if nine of the jurors agree on a misdemeanor verdict, such verdict shall be signed by each one of the nine jurors and such verdict shall be received by the court and the proper judgment of the court shall be made thereon."

Senator Chambers made the point of order that this amendment was in substance the same amendment as just voted down.

The Chair overruled the point of order.

Senator Chambers moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—14.

Barrett.	Murray.
Chambers.	Paulus.
Cunningham.	Smith.
Harbison.	Stokes.
Harper.	Stone.
Kellie.	Terrell.
Meachum.	Willacy.

Nays—9.

Alexander.	Looney.
Brachfield.	Mayfield.
Glasscock.	Senter.
Green.	Skinner.
Greer.	

Absent.

Faust.	Masterson.
Grinnan.	Veale.
Holsey.	Watson.
Hudspeth.	

Absent—Excused.

Griggs.

Senator Skinner offered the following amendment:

Amend by inserting after the word "verdict," in line 4, the following: "Except in cases involving malfeasance in office or official misconduct."

The amendment was read, and lost by the following vote:

Yeas—13.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Glasscock.	Senter.
Green.	Skinner.
Grinnan.	Stokes.
Holsey.	

Nays—13.

Chambers.	Kellie.
Cunningham.	Murray.
Faust.	Smith.
Greer.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hudspeth.	

Absent.

Masterson.	Veale.
Paulus.	Watson.

Absent—Excused.

Griggs.

The vote being a tie, Lieutenant Governor Davidson voted "nay."

Pending discussion, Senator Kellie moved the previous question on the amendment and the bill, which motion being duly seconded was so ordered.

Action then recurred on the amendment by Senator Chambers, which was to strike out the enacting clause of the bill.

The amendment was adopted by the following vote:

Yeas—14.

Barrett.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Smith.
Harper.	Stone.
Hudspeth.	Terrell.
Kellie.	Willacy.

Nays—10.

Alexander.	Looney.
Glasscock.	Mayfield.
Green.	Senter.
Greer.	Skinner.
Holsey.	Stokes.

	Absent.
Brachfield.	Masterson.
Grinnan.	Veale.
Harbison.	Watson.

Absent—Excused.

Griggs.

Senator Chambers moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 2, A bill to be entitled "An Act to amend Article 2439a, Chapter 41, Title XLV of the Revised Civil Statutes of Texas, relating to fees of office charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature of Texas, and adding thereto Article 2439a, prohibiting the approval or payment of any account or claim to any official who refuses or fails to take out his commission, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 2, to Finance Committee.

RECESS.

Senator Stone moved that the Senate adjourn until tomorrow morning at 10 o'clock, which motion was lost by the following vote:

Yeas—10.

Barrett.	Meachum.
Cunningham.	Murray.
Harper.	Senter.
Hudspeth.	Terrell.
Kellie.	Willacy.

Nays—14.

Alexander.	Chambers.
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Faust.	Mayfield.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Holsey.	Stokes.
Looney	Stone.

Absent.

Brachfield.	Masterson.
Grinnan.	Veale.
Harbison.	Watson.

Absent—Excused.

Griggs.

On motion of Senator Looney, the Senate, at 12:30 o'clock, recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 19.

On motion of Senator Looney, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, Senate bill No. 19.

The Chair laid before the Senate, on second reading,

Senate bill No. 19, A bill to be entitled "An Act to amend Article 1043, Revised Statutes, and to add thereto Article 1043a, regulating the certification of questions of law by the Courts of Civil Appeals to the Supreme Court in cases of conflict of decisions, and in cases of disagreement of the judges of a Court of Civil Appeals, and repealing Articles 1040 and 1041, Revised Statutes, and also repealing an act of the Twenty-sixth Legislature, approved May 9, 1899, entitled 'An Act to define the power and duties of the Courts of Civil Appeals of the Several Supreme Judicial Districts of the State of Texas, where there is, or may be, a conflict of opinion by any of the said Courts of Civil Appeals on a question of law involved in any cause pending before said courts, and prescribing the duties of the Supreme Court of the State of Texas in such cases,' and declaring an emergency."

(Senator Brachfield in the chair.)

Senator Senter offered the following amendment:

Amend the bill, page 2, Article 1043a, line 5, by inserting the words, "or in any other event" after the words, "remanding cause."

Senator Looney moved to table the

amendment, which motion to table prevailed by the following vote:

Yeas—13.

Barrett.	Holsey.
Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Stone.
Harper.	

Nays—10.

Alexander.	Murray.
Glasscock.	Senter.
Greer.	Smith.
Hudspeth.	Stokes.
Meachum.	Terrell.

Present—Not Voting.

Willacy.

Absent.

Grinnan.	Masterson.
Harbison.	Veale.
Kellie.	Watson.

Absent—Excused.

Griggs.

Senator Senter offered the following amendment:

Amend Article 1043a, page 2, by striking out of lines 16, 17 and 18, the following words: "Provided, that the conflict shall be such that if both decisions had been rendered by the same court, the one would overrule the other."

On motion of Senator Looney, the amendment was tabled.

Bill read second time, and ordered engrossed.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Willacy.

Absent.

Harbison.	Veale.
Masterson.	Watson.

Absent—Excused.

Griggs.

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Willacy.

Absent.

Harbison.	Veale.
Masterson.	Watson.

Absent—Excused.

Griggs.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, and read to the Senate:

Executive Office,
State of Texas.

Austin, Texas, April 22, 1907.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation the following subjects, and suggest legislation thereon:

1. To make necessary arrangements and changes in the law regulating the sale of school lands and the placing of school lands on the market for sale, and to prescribe regulations in the sale of mineral land with the reservation of the mineral thereon, and to make such other changes and amendments to the law regulating the sale and leasing of school lands as may be deemed necessary.

2. To provide an agency or agencies for the inspection of spirituous, vinous or malt liquors, or either, manufactured or sold in the State and for the collection by the State of such fees for such inspection, and prohibiting the sale of such liquors not inspected, and generally regulating such inspection and sale.

3. To regulate and fix the passenger fare on all railroads in this State, and to provide for the redemption of all railroad tickets sold.

4. To create a State Text-Book Board, and to provide for the selection by it of a series of uniform text-books for use in all the public free schools of the State, and prescribing the powers and duties of said board.

At the Regular Session of this Legislature a bill providing for the creation of a State Text-Book Board for the selection of a series of uniform text-books for use in the public free schools of Texas was passed and was received in the office of the Governor on the day fixed for the adjournment of the Regular Session, and upon a full examination of the same I reached the conclusion that it was my duty to veto it, which I have done. My objections to the bill, which was Senate bill No. 65, have been filed with the Secretary of State and proclamation thereof made as required by the Constitution, and a copy of such proclamation is herewith transmitted for the information of your honorable bodies.

T. M. CAMPBELL,
Governor.

PROCLAMATION BY THE GOVERNOR.

Executive Office,
State of Texas.

April 22, 1907.

To the Secretary of State:

Senate bill No. 65, entitled "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making appropriations therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for failure or collusion, and authorizing the Attorney General to bring suit therefor, and providing penalties for violation of the provisions of this act," is disapproved and with the following objections is transmitted for file in your office:

1. Section 1 of said bill provides for

the appointment of a board to select and adopt a uniform system of text-books for use in the public free schools in manner and form as follows: The Superintendent of Public Instruction of this State and the President of the University of Texas, as soon as practicable after this act takes effect, shall, acting jointly on each recommendation, recommend to the Governor twenty teachers, twelve of whom shall be public free school teachers of the town and rural free schools of this State, who have actually taught in such schools at least five years, and are at the time nominated, actively engaged in teaching, four county superintendents and four city superintendents, who are teachers, and send the names of the twenty teachers when so nominated to the Governor of this State. That when said twenty teachers have been nominated, and their names sent to the Governor, he shall, as soon as practicable, select therefrom five teachers, one of whom shall be a county superintendent and one a city superintendent and three public free school teachers, and said five teachers when so selected, together with the State Superintendent of Public Instruction and the Governor of this State, shall constitute the State Text-Book Board.

The proposition to visit upon the office of Governor the great responsibilities and duties involved in this act, and at the same time limit that officer in the selection of this important board to a list of twenty men from which to select such board is a limitation upon the authority and discretion of such officer which might prove embarrassing in an effort to faithfully perform the important duties involved. The State officer upon whom is imposed the serious responsibility of selecting this Text-Book Board should, in the performance of his duties be given, not twenty men from whom to select a board, but the entire field of reliable and capable Texas men from which to make appointments to this responsible position.

It is further provided by Section 1, that this Board shall be named and appointed as soon as practicable after this act takes effect. Just why this immediate action is necessary is not understood, especially in view of that fact that notice for sealed bids on the text-books to be selected is required to be given at a time not later than April 1, 1908, and the books to be adopted are not to come into use until September, 1908. The Board would have nothing to do this year, and should the Board be appointed at this time the usefulness of the members to themselves and to their

country might, in the meantime, be seriously impaired, as, in all probability, much of their time would be employed between now and April 1, 1908, in listening to eloquent descriptions of meritorious school books and to the importunities of agents and representatives of enterprising book concerns. Not many men would, under such circumstances, wish such an appointment.

It has further occurred to me, that it would be entirely appropriate to give the patrons of the public free schools of this State representation on the Board constituted for the purpose of adopting a series of text-books in our public free schools.

2. Section 1 further provides that nothing herein shall be construed to prevent the use of supplementary books, that such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act, "but full use must be made in our State of the books adopted under this act." This provision is objectionable, and the objection lies in the fact that as it is drafted it could be used, as it has been in other States, to undermine and eventually destroy the value of State adoption of a uniform series of text-books. Additional limitations should be provided.

The Legislature might very properly provide by law for the use of supplementary books, conditioned upon the submission of the same to the board of trustees of the respective schools wishing to use the same, and an agreement by such trustees upon the price to be paid therefor by the patrons of the schools, and that such trustees should not contract to pay a higher price for them than is paid for other like or similar books adopted, taking into consideration the printing, binding and literary merit of such supplementary books, with a provision that all such contracts and agreements entered into between them and the book concerns for such supplementary books shall not be binding and that the said books shall not be used in the schools seeking to adopt and use same until after such contract, together with a sample of the book proposed, has been submitted to and approved by the State Board of Education or some other duly constituted authority. In the light of all experience this, or some similar provision is essential and absolutely necessary for the protection of the people against the wiles of the enterprising book concerns.

I further object to that portion of

Section 5 of said bill which reads as follows:

"That no book or books shall be purchased from any person or firm or corporation who is a member of or connected with any trust, if such books of equal merit and adaptability can be purchased from any other source at the same price."

Our anti-trust laws under severe pain and penalties prohibit all trusts from doing business in Texas. This provision which would license the book trust to do business in the face of all our anti-trust laws and prohibitory laws, was doubtless overlooked by the Legislature.

A resolution adopted as a part of the platform of the Democratic party of Texas denounced all trusts, as follows:

They are "the most insidious agencies used to oppress the people and destroy the freedom of the citizens; and we denounce all such unlawful combinations and pledge the full power of the Democratic party to utterly destroy them in this State, and we heartily endorse at all times a vigorous enforcement of the laws upon this subject."

To this doctrine I subscribe unqualifiedly and can not give my consent to any law that would authorize a State officer or any board created by law to deal with and contract with trusts in violation of the laws of this State. The Constitution makes it my duty to "cause the laws to be faithfully executed"—not to license the law breaker. When a trust offers to do business in this State in violation of our laws, all the power that is lodged in the office of Governor should be and will be appropriately exercised in an effort to "utterly destroy it" and drive it from Texas. Legislation on this subject should not legalize trusts, but should contain such provisions as would make it impossible for a trust to even submit a bid to furnish school books for use in the public free schools of Texas and as would require of all bidders a full and complete showing as to their connections with any trust, monopoly or agreement in restraint of trade within this State or out of it.

T. M. CAMPBELL,

(Seal) Governor.

By the Governor:

L. T. DASHIELL,
Secretary of State.

ADJOURNMENT.

On motion of Senator Chambers, the Senate, at 3:35 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, April 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act providing for the listing and valuing of property for the purposes of taxation; defining duties of assessors and deputy assessors; prescribing rules for determining the value of property; prescribing rules to govern commissioners courts when sitting as a board of equalization; prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency."

And find the same correctly engrossed.
CUNNINGHAM Chairman.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, April 23, 1907.

The Senate met pursuant to adjournment.

Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stone.
Harbison.	Stokes.
Harper.	Terrell.
Holsey.	Willacy.
Hudspeth.	

Absent.

Masterson.	Watson.
Veale.	

Absent—Excused.

Griggs.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

By Senator Harper:

Senate bill No. 43, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion, and authorizing the Attorney General to bring suit therefor; and providing penalties for violations of the provisions of this act."

Read first time, and referred to Committee on Educational Affairs.

By Senators Brachfield, Skinner and Harper:

Senate bill No. 44, A bill to be entitled "An Act to amend Article 4542, Title XCIV, Chapter 11, of the Revised Statutes of 1895."

Read first time, and referred to Committee on Internal Improvements.

Morning call concluded.

SENATE BILL NO. 5.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 5, A bill to be entitled "An Act to amend Article 1318, Revised Civil Statutes of the State of Texas, adopted 1895."

Senator Terrell offered the following amendment:

Amend the bill by striking out the enacting clause.

Senator Smith moved that the bill lie on the table subject to be called up after Senate bill No. 1 is considered.

The motion prevailed.

SENATE BILL NO. 9.

The Chair laid before the Senate, on second reading and as pending business,

Senate bill No. 9, A bill to be entitled "An Act to amend Article 762, Chapter 6, Title VIII, of the Code of Criminal Procedure of Texas, relating to the prosecution of an offense which includes within its lesser degrees, and providing that if a person be convicted of a lower degree of the offense than